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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,480	10/24/2005	Paul F. Ierymenko	9682-2	7232
20792	7590	03/23/2009	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC			FLETCHER, MARLON T	
PO BOX 37428				
RALEIGH, NC 27627			ART UNIT	PAPER NUMBER
			2837	
			MAIL DATE	DELIVERY MODE
			03/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/554,480	IERYMENKO, PAUL F.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Marlon T. Fletcher	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12/23/2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-153 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 99,101,103,104,106,107,109,138,141-144 and 148-153 is/are rejected.
- 7) Claim(s) 100,102,105,108,110-137,139,140 and 145-147 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 99, 101, 103, 104, 106-107, 109, 138, 141-144, and 148-153, are rejected under 35 U.S.C. 102(b) as being anticipated by Hoover (6,034,316).

Hoover discloses a system for controlling and modifying the vibratory motion of at least one string of a stringed musical instrument comprising: a) transducer means (602) associated with at least one string for providing a sensing signal representative of string vibration and for applying a force to said at least one string in accordance with an actuating signal; b) at least one motion controller (620) associated with said transducer means and responsive to said sensing signal to form said actuating signal for selectively damping and/or exciting the vibratory motion of the string or selected harmonics thereof; and c) user control means (S633) to provide the musician with control over the behavior of said at least one motion controller.

Hoover discloses the system wherein said transducer means is composed of at least one sensing transducer for providing a sensing signal representative of string vibration and at least one separate actuating transducer for applying a force to said at least one string in accordance with an actuating signal (column 30, line 66 – column 31, line 25); and wherein said at least one motion controller is an adaptive control system coupled to said sensing transducer and to said separate actuating transducer and arranged to respond to said sensing signal and to provide and

adaptively adjust the characteristics of said actuating signal to maintain control of said vibratory motion of the string (abstract).

Hoover discloses the system including at least one secondary sensing transducer (620) for providing a secondary sensing output signal in accordance with the motion of at least one string (figure 6e).

Hoover discloses the system further including a mixer for combining various signals of the system into a composite audio output signal (column 23, lines 10-22).

Hoover discloses the system including an external input for supplying an external signal to modify the vibratory motion of a said string (column 30, lines 3-65).

Hoover discloses the system wherein said user control means includes at least one control that is manually operable by the musician for control of system behavior (column 31, lines 41-46).

#### *Allowable Subject Matter*

3. Claims 100,102, 105, 108, 110-137, 139, 140, and 145-147, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Response to Arguments*

Applicant's arguments with respect to claims 1-149 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon T. Fletcher whose telephone number is 571-272-2063. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on 571-272-2227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MTF  
03/15/2008

/Marlon T Fletcher/  
Primary Examiner, Art Unit 2837